

the software or the software itself (see FIG. 7 of the Application). Based upon the present invention's software function detection, the following can be performed: (1) "an accounting ... imposing charges on a user specified ... according to the frequency of performance detected" (independent claims 1, 6, and new claim 10); or (2) "... obtaining information for specifying a user in the case of the performance of the predetermined function having been detected ...; and ... sending the server information for specifying a user obtained by the user specifying obtaining..." (independent claims 8 and 9).

Therefore, new independent claim 10 provides an alternative recitation of the present invention directed to a software usage charge system, which is also recited in independent claims 1 and 6), and discussed to be patentably distinguishing from Campbell in the April 21, 2003 Amendment. More particularly, new claim 10, recites,

10. (NEW) A software usage charging system,
comprising:

a programmed client computer executing software and
detecting the software function usage by a user; and

a programmed server computer in communication with the
client computer and charging the user according to use of the
software function in response to the detecting by the programmed
client computer.

Support for the new claim 10 can be found, for example, in FIG. 1, and page 4, line 17 through page 7, line 19 of the present application. In contrast to Campbell, the present invention as recited in new independent claim 10, provides "a programmed server computer ... charging the user according to use of the software function in response to the detecting by the programmed client computer." As also discussed in the Amendment filed April 21, 2003, none of the citations to the Campbell disclosure by the Examiner disclose, suggest, or relate, to the claimed present invention as recited in independent claims 1, 6, 8, 9 and 10, in which software functions used by a user are managed, including charging the user according to use of software functions (new independent claim 10) and charging the user according to frequency of use of software functions (independent claims 1 and 6).

In view of the foregoing supplemental remarks to the remarks in the Amendment filed April 21, 2003 (re-submitted in June 20, 2003), it is respectfully submitted that the April 21, 2003 Amendment as supplemented is now fully responsive to the prior Office Action of December 20, 2002. It is submitted that in view of the remarks the application is in condition for allowance. Withdrawal of the rejection of claims 1-9 and allowance of claims 1-9 and new claim 10 is respectfully requested.

CONCLUSION

If any other fees are required in connection with the filing of the previously submitted Amendment of April 21, 2003, please charge our Deposit Account No. 19-3935.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,
STAAS & HALSEY LLP

Date: 3/25/2004

By: 
Mehdi Sheikerz
Registration No. 41,307

700 Eleventh Street, NW, Suite 500
Washington, D.C. 20001
(202) 434-1500